

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6888 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

PRADIP VAMANRAV SUSLADE

Versus

COMMISSIONER OF POLICE

Appearance:

THROUGH JAIL for Petitioner

MR.NEEGAM SHUKLA,AGP for Respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 06/11/96

ORAL JUDGEMENT

This Special Civil Application has been entertained on the basis of letter dated 30.8.1996 sent by detenu from the Jail.

The detention order was passed on 14.5.1996 by the Police Commissioner, Baroda City detaining the petitioner under the provisions of Gujarat Prevention of Antisocial Activities Act, 1985. The petitioner is under

detention in Bhavnagar Jail, Bhavnagar.

No reply or the affidavit of the Detaining Authority has been filed. The grounds of detention enclosed with the detention order show that four criminal cases were registered against the petitioner under the Prohibition Act and besides this the Detaining Authority has taken into consideration the statements made by certain witnesses against the petitioner's antisocial activities and the petitioner has been detained as bootlegger on account of his antisocial activities.

In view of the reasons given in the judgment dated 4.10.1996 in Special Civil Application No. 3879 of 1996, it is clear that the allegation and material relied upon by the Detaining Authority against the petitioner do not constitute the case of breach of public order and at the most it can be said to be a case of law and order. The detention order therefore deserves to be quashed and set aside on this ground alone.

Accordingly this Special Civil Application is allowed. The detention order dated 14.5.1996 passed by the Police Commissioner, Baroda is hereby quashed and set aside and the petitioner-detenu's detention order is declared to be illegal. The respondents are directed to release the petitioner detenu forthwith and set him at liberty forthwith if not required in any other case. Rule is made absolute.

Since the petitioner-detenu is not represented through a lawyer, the office will take care to see that the writ is issued to all the concerned immediately.
